

2018 Regular Session

HOUSE BILL NO. 666

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/BOARDS: Provides with respect to the hiring of special counsel by school boards

1 AN ACT

2 To amend and reenact R.S. 42:261(A), (B), and (D)(1) and 263(A), relative to general
3 counsel for local school boards; to provide for representation by the district attorney;
4 to provide for an exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:261(A), (B), and (D)(1) and 263(A) are hereby amended and
7 reenacted to read as follows:

8 §261. District attorneys; counsel for boards and commissions

9 A. Except as provided by Subsection C of this Section or as otherwise
10 provided by law, the district attorneys of the several judicial districts other than the
11 parish of Orleans shall, ex officio and without extra compensation, general or
12 special, be the regular attorneys and counsel for the parish governing authorities, or
13 city, parish, or other local school boards ~~, and city school boards~~ within their
14 respective districts and of every state board or commission domiciled therein, the
15 members of which, in whole or in part, are elected by the people or appointed by the
16 governor or other prescribed authority, except the state boards and commissions
17 domiciled at the city of Baton Rouge, and all boards in charge or in control of state
18 institutions.

19 B. Except as provided by Subsection C of this Section or as otherwise
20 provided by law, all legal services for parish governing authorities, city, parish, or

1 other local school boards, ~~city school boards~~ and all state boards and commissions,
2 including levee boards, hospital and asylum boards, educational boards, and dock
3 boards, the members of which, in whole or in part, are elected by the people or are
4 appointed by the governor or other prescribed authority, in reference to the issuance
5 of bonds, notes or other evidences of indebtedness, whether in the original instance
6 or for refunding purposes, shall be under the supervision, control and authority of the
7 attorney general.

8 * * *

9 D.(1) Except as otherwise permitted by this Section, it shall be unlawful for
10 any parish governing authority ~~or~~, state board or commission, or city, parish or other
11 local school board to retain or employ for any compensation whatever any attorney
12 or counsel to represent it generally, or except as provided in R.S. 42:263, to retain
13 or employ any special attorney or counsel for any compensation whatever to
14 represent it in any special matter, or pay any compensation for any legal services
15 whatever, ~~provided that~~. However the board of commissioners of the port of New
16 Orleans shall select its own attorney.

17 * * *

18 §263. Resolution requesting special counsel

19 A.(1) No parish governing authority, levee board except as provided in
20 Subsection B hereof, city, parish, or other local school board, ~~city school board~~, or
21 other local or state board shall retain or employ any special attorney or counsel to
22 represent it in any special matter or pay any compensation for any legal services
23 whatever unless a real necessity exists, made to appear by a resolution thereof stating
24 fully the reasons for the action and the compensation to be paid. The resolution then
25 shall be subject to the approval of the attorney general and, if approved by him, shall
26 be spread upon the minutes of the body and published in the official journal of the
27 parish.

